

**Fair Political Practices Commission
Memorandum**

To: Chairman Johnson, Commissioners Hodson, Huguenin, Leidigh, & Remy

From: John W. Wallace, Assistant General Counsel
Scott Hallabrin, General Counsel

Subject: Work Plan Revisions for Fourth Quarter 2008

Date: August 25, 2008

Below is the calendar reflecting proposed regulatory action for October and December 2008.

October	December
<ul style="list-style-type: none">• Principal Officer (A): Define who is a "principal officer" of a committee under §84102(c).• Committees (PN):<ul style="list-style-type: none">○ Define what is a "primarily formed" committee○ Define what is a "state," "county" and "city" general purpose committee.○ Consider requiring committee ID# in the committee name.○ In committee name requirement under §84504, require economic or special interests to be named in order of amount of contributions○ Amend Reg. 18402 to require, in addition to the candidate's name which is already required, the name of the office sought in committee name and year• CPI (A): Contribution Limits, Expenditure Limits, Officeholder Limits (aggregate and contributor), Gift Limits.	<ul style="list-style-type: none">• Campaign Reporting for Government Agencies (A): Consider amendments to Commission regulations clarifying when a government agency's expenditure of public funds qualifies as an expenditure under the Act.• Candidate Controlled Ballot Measure Committees (A): Require all Candidate Controlled Ballot Measure Committees to be primarily formed. Prohibit candidate controlled general purpose ballot measure committees.• Tickets<ul style="list-style-type: none">○ To Government Agencies (§18944.1) (A): Amend Reg. 18944.1 concerning free tickets and passes provided to government agencies.○ Gifts from an Agency to Officials in the Agency. (§18944.3) (A): Adopt a regulation concerning an agency's gifts to its own officials.

Below is a summary of other regulatory proposals planned for 2008. Depending on urgency and workload, staff may propose additional regulatory action for the Commission to consider for this year that is not included in this list.

- Return of Contributions: Under Section 85700, require return of contribution if, outside of 60-day return period, committee discovers it has incorrect contributor info (*Warren* Letter, I-07-152)
- Dependent Child Change definition to include a child for whom the official takes a tax deduction.
- Member Communications – Consider amending Regulation 18531.7 and adding other regulations to define scope of member communications rules in Section 85312.
- Gift Regulations – Consider amending various Commission regulations on gifts to bring them into greater conformity with the Act.
- Online Filing of 410 -- Regulation stating that online filers must file Statement of Organization/Form 410 online.
- Independent Expenditures – Consider new or amended regulations to address issues on independent expenditures discussed in the informational portion of the Commission's February 2008 meeting.
- Otherwise Related Business Entities. For purposes of conflicts of interest/disqualification, Commission regulations treat business entities that are sources of gifts differently than business entities that are sources of income. Stacey Fulhorst of San Diego Ethics Commission asked whether an official should be allowed to participate in a decision where a business entity was an applicant and a parent or subsidiary of that business entity and had made a gift of \$390 or more to the official within the prior 12 months. Staff will propose amending the conflict of interest regulations to make these rules consistent.
- Condominiums and Planned Unit Developments. Since the introduction of the distance tests used to determine if a public official's real property interest is directly or indirectly involved, staff has struggled with the application of the test to property that may consist of a condominium unit (or a single family unit in a planned unit development) in which the official resides, and a partial undivided interest in common property. For example, in the *Munoz* Advice Letter, No. I-07-129, a city councilmember resided in a complex of town homes which included common areas maintained by a homeowners association. While the councilmember's town home was over 500 feet from the boundary of the property subject to the decision, a portion of the common area was within 500 feet of the boundary.
- Technical Cleanup Packet